G. R. S. 58]

Previous references.

File No 282-12

1912-13

(Inam)

Serial Nos. —11

Later references.
Misc 3*4.-23-1-2

V5 19

Misc. 171-41-1-2

GENERAL AND REVENUE SECRETARIAT.

206-42-1-2
17 43-1-2

Serial Nos. 1—11

Part B for June 16.

SUBJECT.

Inam lands of the Birugna Math in the Chickmagalur Taluk

---

20. By Commr. Madras Dist. No. 2825 dt 9-6-16.

Forwards copy of G.O. cancelling the G.O 5327 & dt 7-6-06 in the case as Inam Rules of 1877 are not properly applicable to this case & so withdraw the G.O under which Mr. C. Srinivasa Rao was called upon to give up the lands on full assessment

W D 1351—GPB—20,000—18-12-15

5-R-[illegible] Dora
F.S. [illegible]

G.R.S. 11] 1912

GENERAL AND REVENUE SECRETARIAT.

(Inam)

NOTES.

File No. 2 72

FILE HEADING.

Inam lands of the Bisagnia Math in the Chickmagalur Taluk

om

The Dy. Commr, Kadur Distt.

No. 201 Dated 16-11-12 Received 20-11-12.

Diary No. 824	Enclos. 1 file	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits further report on the claim of Mr C. Srinivasa Rao against the Bisagnia Math.

NOTES AND ORDERS.

The facts of the case are given in Inam. F. nos. 155 of 1892 and 160 of 1904 herewith submitted and in the English memo received with the Dy. Commr's. letter under reply.

In G.O. no. 710-11-7 dy 28th April 1884, the Village

NOTES—First Sheet.

GPB—30,000—12-8 11

Serial No.

of Kolgavi was confirmed as Inam to the Bisagnia matt, on the Bababudan Hill, Chickmagalur Tq, subject to the establishment of proper guarantees for the protection of the rights of inferior holders. On account of the debts contracted by one of the former priests of the Matt, his Agent and others had mortgaged some of these lands to Nirvanappa and others, and on the death of Nirvanappa, his brother Siddalingappa transferred the mortgage deed to one Narnappa in 1881, to whom the deceased is said to have owed a large amount. On the death of Narnappa, his nephew Mr Srinivasa Roo, one of the Coffee-planters at Chickmagalur succeeded to the property of the deceased including some lands in Kolgavi village which he holds as inferior holder.

3 The Agent Puttaswamiah petd Govt complaining of the above alienation. In their order No. 5327-8 / Mung. 155-92 Dd 17th May 1906, Govt directed that the alienation in question be treated under cl. (B) Rule II of Govt notification Dd 17-11-77 and the Dy Commr was requested

NOTE—Contn. sheet.

Serial No.

to take early action accordingly. Mr. Srinivasa Rao thereupon presented review-petitions, and the Dy. Commr. while forwarding them to Govt. urged in his letter no. 254 Dy 17th Septr. 06, for a re-consideration of the Govt. order, on the ground that hardship might result in taking action under the alienation rules. In this office letter no. 677 Dy 5th August 1907, the Dy. Commr. was requested to report whether the claim of Mr. Srinivasa Rao was one of those adjusted, as directed in G.O. no. 710-11-7 Dy 28th April 1884 para if so, what the terms of the adjustment were. That officer was also requested to submit the records relating to the above together with the records returned with Govt. order Dy 30th April 1894, sanctioning a scale of expes in the matter. The Dy. Commr. reports that the records relating to his enquiry about the Inam lands have been forwarded to the Supdt. of Rev. Survey and Inam Settlements in Mysore. He has re-transmitted other Vernacular records together with a memo giving a

NOTE—Contn. sheet.

R. S. 12]

General and Revenue Secretariat.

File No. 282 of 1912

Serial No.

~~succinct~~ clear account of the facts of the case—

4) Submitted with a Dft. to the Supt. of Rev. Survey and Inam Settlements

AV(132) 29.11.12

Inam C.

2 2 The Supt. of Reve Survey & Inam Setts.

No 2367 of 10.6.1913

Calls for the records relating to the Kadur Dt. Deputy's enquiry in the matter of inam lands.—

Seen. The matter may be dealt with promptly after receiving the papers called for.

7/6/13

3. From, the Supt. of Inam Settlements Letter no. 12 Dt. 26-7-1913.

Forwards a copy of Kadur Dy. Commrs. letter dated 18th May 1889 together with copies of its memo of questions connected with the settlement of

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 282 of 1912

Serial No.

the Baba Budan Darga and Bidagnia Matt lands and (2) memo dated 31st Decr 1888.

9 The English memo Dy 14th novr 1912 prepared under orders of Mr A. Subrahmanya Ayer who was then in charge of the Kadur Distt, explains the facts of the case. In Para 14 of this memo, the Dy Commr states that it is not possible to say what the terms of the settlement were or to send the records as the settlement papers had been forwarded to the Inam Supdt. The Inam Supdt was asked to send up these papers, and that officer has submitted the Kadur Dy. Commr's letter Dy 18th May 1889 together with a memo of questions and also memo Dy 31st Decr 1888. These papers do not seem to throw light on Srinivasa Rao's claim to the matt lands in question. If directed, the Inam Supdt will be asked to send up the records of enquiry together with inform as to whether Srinivasa Rao's claim was investigated as directed in the last para of Govt order Dy 28th April 1884.

10 Submit. For orders. The 1st Cr has called for these papers.

W(132) 9 8 1913.

R.A.

D.C's letter Dy 5th July 9 is not in the file. If directed, it will be got from the old record & submit.

NOTE—Contn. sheet.

G.O.R. S. 12]

General and Revenue Secretariat.

File No. 282 of 1912

Serial No.

Subd to Mr. Councillor.

The whole question would appear to hinge upon the fact whether or not the understanding between the Mute and Mr. C. Srinivasa Rao was in pursuance of a settlement of a dispute between them after Dt. Coll. under the direction conveyed in the last para of the order of 28th April 1884. The Inam Supt. has not sent up the records after enquiry - which was requested but has sent up ~~two~~ copies of two memos which do not deal with the question. Orders will have to wait until these records are sent for and perused.

(b) From the fact that Mr. Srinivasa Rao is unable to produce any evidence of such a settlement, it may be inferred that if at all a settlement was come to, there has not been any formal order after Dt. Coll. in the matter. It may be even questioned whether the Dt. Coll. would not be acting beyond the terms of reference if the settlement involved the permanent alienation of a substantial portion of

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 282 of 1912

Serial No.

the income after Mutt a matter in which the Govt. alone ~~could~~ would be competent to pass an order. In any case Mr. C. Srinivasa Rao sir, it would appear, be entitled to retain possession of other lands as inferior holder.

The file is not quite ready for orders but is sent up under instructions from the Commissioner

11. 8. 13

15/

Submitted with a Dft to the Supt. of Revenue Survey and Settlement.

12-9-1913.

Approved

15. 9. 13

4 To The Superintendent, Revenue & Sur. Sett.

No 939 of 19.9.13 Calls for the records relating to the Dy. Commr's enquiry in the matter.

5. From, the Superintendent of Revenue Survey. Letter no 51 of 31-10-1913.

Reports that the Govt. order dated 28th April 1884 required the Dy. Commissioner to adjust all petty

NOTE—Contn. sheet.

Serial No.

disputes between the superior and inferior holders, and that the Survey Department is not in possession of any information regarding Her Srimiasa Rao's claim under dispute.

Attention is respectfully invited to Sl. 1. It was at the suggestion of the Dy Commr that a reference was made to the Supt of Revenue Survey and Inam Settlements in Mysore to send up the records. (Vide Sl. 2) - The final reply is from the Superintendent of Revenue Survey in Mysore stating that no records are available in that office. Perhaps the Inam office is in possession of these papers. If directed, a copy of Sl. 2 will be sent addressed to the Inam Superintendent in Mysore to send up the records connected with Her Srimiasa Rao's claim.

Submd
N (115)
6.11.1913.
Upie

the

20 It is not likely as a copy of the Dy Comr's letter and enclosure has been

GPB—65,000—17-6-12.

G 3. S. 12]

General and Revenue Secretariat.

File No. 282 of 1912.

Serial No.

Received from the Survey Supt.
Ascertain informally from the Inam Offce. If there should be any connected papers available in that Offce and useful for the present enquiry, we may then request their Supt. formally

Lee
12.11.13

21 It has been informally ascertained that the Dy Commrs letter of 1889 was not received in the Inam Office.
Submitted for orders with a draft.

AV(115)
12.11.1913.

13.11.13 27 Appd
Lee
8/12

6 23/10 The Dy. Commr. Kadur Dt.
No 1604 of 13.12.13 Forwards above & requests that a diligent search may be made for the records relating to Mr Srinivasa Rao's claim.

Sd.

NOTE—Contn. sheet.

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc, not intended for permanent record]

24) The File regarding the dispute about the Lands of Mr C. Srinivasa R. Coffee planter — may kindly be sent for perusal by 1st Committee

Supdt
For VII.
19/1/14.

To
26 The Supdt
For VII

21 The file is herewith put up once
19/1/14

1: Mr Srinivasa Rao said that the original document of Zelemallappa Setty would show that the advance was for building the hutt — the reference may be from him.
20/7/14.

25) Put up — [illegible]
22/1/14

[illegible]
19/1/14

N. B —Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

GPB—25,000—23 7-12

G. R. S. 12]

General and Revenue Secretariat. | File No. [illegible] of 191[illegible]

Serial No.

29) Submitted with a Dft. Govt. to the petr. ~~and~~ of [illegible]
MJ(115) ~~also a~~ docket to the Dy. Commr.
21.7.1914 requiring the vern records.

Submitted in person
MJ(115)
29.7.14

30) Submitted with a Dft. Govt. as instructed.
MJ(115)
29.7.14

7.

8 32 To the Dy. Commr. Kadur Dt.
No. 352 of 8.8.14 Returns vernacular Records.

9 33 ~~To the Dy~~ Mr. C. Srinivas Rao.
No. 353 of 8.8.14 Calls upon him to furnish document executed by Yele Mallappa Chetty

8th

Mr. Srinivasa Rao is present and produces copy of the deed. Now call for the records from Dy. Comr. at an early date

15.10.14

Submitted with a Dft.
MJ(115)
16.10.1914.

36 Cfpf
[illegible]
10/10

(Retd. under cover of an endt. on 2.8.16)

NOTE—Contn. sheet.

GPB—10,000—13-6-14

G. R. S. 12]

General and Revenue Secretariat.

File No. 2[illegible] of 191[illegible].

Serial No.

9 37 To, The Dy. Commr., Kadur Distt.
Letter no. 789 Dt 19.10.1914.
States that Mr Srinivasa Rao has produced a copy of the document required, and requests the submission of the records together with any other papers relating to Mr Srinivasa Rao's claim and such further information as may be necessary or available in the matter.

10. 38 From, The Dy. Commr., Kadur Distt.
Letter no. 232 Dt 30.10.1914.
Submits the vern. records and states that no other papers are available except the entire records and a memo on the subject.

Zf. 39 The English Memo had already been received.

A Mr Sreeniwasa Rao has produced a copy of the document of 1866 obtained from the Sub Registrar's office. The Math authorities admit therein that the loan was for the Math (మఠపు వారు దేవుని కొరకు)

Submitted
[illegible]
2.11.1914.

NOTE—Contn. sheet.

GPB—03,000—15-9-14

General and Revenue Secretariat. | File No. 282 of 1912.

Serial No.

41

42 No fresh light has been thrown upon the present dispute. Apparently the correspondence between the Dt. Commr. and the Survey Supt. related only to the initial stage of Survey and settlement into the village and very probably it had nothing to do with the final adjustment of the various petty disputes between the Superior and inferior holders' which was referred to the Dt. commr. in para 9 of the G.O. of 28th april 1884.

43 There is nothing to show that the Dt. commr. had to prepare a written record of these disputes and pass his final orders of adjustment. Most probably no such record was prepared as there is no reference to it in any papers among other correspondence

44 Mr. Srinivasa Rao says that an arrangement was arrived at between his seep and the Sowcars with the express approval of the Dt. commr. by which certain favourable terms were granted to him in consideration of his working off the debt which the Ryots owed to him.

NOTE—Contn. sheet.

GPB—03,000—15-9-14

G. R. S. 12]

General and Revenue Secretariat.

File No. 282 of 1912

Serial No.

Flag B

There is no doubt that there has been valid consideration for the favourable terms and judging from the date of the document (48) it is not unlikely that it came into existence as the result of an attempt to adjust the differences between the Mutt and the inferior holders. This view is strengthened by the fact that the annual payment to Mr Somi was actually first mentioned in the statement of income and expenditure furnished by the Sub Court to Govt. upon which a scale of expenditure has been fixed. Mr Srinivasa Rao states that the Mutt should not be permitted to go back upon this Compromise and that if it is so allowed, he should not be prejudiced in his claim for payment of the debt, particularly as Govt. ~~they~~ have recognized the right to payment of certain of the creditors from the surplus in comes of the Mutt in their ruling.

45 As regards the applicability of Act of 1877 to the case in point, there are one or two ~~points~~ differentiations which may have to be considered. The transaction

NOTE—Contn. sheet.

General and Revenue Secretariat. | File No. 2962 of 1912

Serial No.

7(a) (A)

of 1887 has to be taken with the mortgage deed of 1866. On the latter date there was absolutely nothing to indicate that the Kotgavi lands were Inams. Admittedly they were not included in the Jamabandi accounts at the time enquiring the claim of the Mutt was rejected. In a spirit of liberality the Govt confirmed the Inam but anxiety was also felt that the rights of inferior holders should be protected. In a case of this kind it seems to be hard even if it is not considered incorrect, to enforce the rule of 1877 applicable to Devadaya Inams known and recognised to be such at the time of alienation.

Under all the circumstances, the present case appears to be one fit for reconsideration. If need be notice may issue to agent Pattiswamia

[illegible]

7. 11. 1.

Both parties will be heard.

Issue notices & fix for hearing on a suitable day.

[illegible] 13/11/14

A.V. 10/11/14

NOTE—Contn sheet.

GPB—60 000—7-11-15

G. R. S. 12]

General and Revenue Secretariat

File No. 282 of 1912.

Serial No.

29th Jany. 1915

49 Submtd. with Dfh. notices
MM 1157
6-1-1915

50) Aff
6.1

51 Submtd with Dfh. notice to the respdt.
MM 1157 The applt has been informed by Lire
1-2-1915 that the case has been adjd to
11th

52 Appd
2.1.

53 11 Feb 1915

Mr. C. Sri Ram for.

54 The opponent (Sidvvaradvami) is not present. The notice sent to him has not been returned.

Send another notice for 4th March.

56 Submtd. with Dfh. notice to the 4th March 1915.
MM 1157
16.2.1915.

57) Issue
16/2

282
16/2

NOTE—Contn sheet.

GPB—C0 000—7 11 13

R. S. 12]

General and Revenue Secretariat.

File No. 282 of 191 8.

Serial No.

(58) The Claimant's (Mr Sr Ram's) case is that either the assessment of 4 As granted by the Mathar by regd deed should be recognised & confirmed, or that ~~in ht~~ if the lands are ~~fully~~ taken away or fully assessed, he shd be given compensation for losing the consideration paid for it.

(59) The lands have not yet been taken into possession by Govt but Mr Sr Ram says that he was told not to cultivate the lands but ~~have no~~ has no written orders on the point.

—

60. The Opponent (Siddaraya brother & agent of the Mathaholder) says that he knows nothing of the transactions which were all carried on with his deceased father, & that his minor brother (about 18) ~~is~~ has been the aiya of the Mathar for 2 years.

NOTE—Contn. sheet.

GPB- 25,000—2 11-14

R. S. 12]

General and Revenue Secretariat | File No. of 191

Serial No.

61 The claimant says that he will be satisfied if a portion of the original debt (~~4 or~~ 6 As in the rupee or so) be ordered to be given to him; ~~he will be~~ and the opponent says that he will agree to whatever may be decided by Govt.

62 Mr Sr Ran refers to rule 3 in P. 620 of the Rev Manual.

4/3/15

In rev. file 4 m read the minutes

See 5/3/15

79 y

63 Before 1884, the lands were not inam at all; and so the mortgage in favour of Mr. Srinivasa Ran's predecessor in title could not be summarily interfered with by Govt under the Inam rules. The deed of 1887 though executed after 1884 was in settlement of

79 B

NOTE—Contn. sheet.

Serial No.

an interior claim and as the previous rights were given up by the zamindar, it was hardly equitable that the terms should be summarily set aside, as they were by the Act of 1906.

79. X

When the inam was recognised in 1894, Govt. could not & would not have meant to override the existing rights of third parties. In fact it was expressly stated that the rights of ~~inam~~ inferior holders should be safeguarded. Mr. Srinivasa Rau was at the time one of such inferior holders.

79. Y

79. A.

The mortgage which had been registered ~~to~~ in 1866

Serial No.

79.B

had been ~~was~~ transferred to ~~him~~ Mr. Iruvu Rau's uncle and was subsisting at the time of the regrant of the inam. The deed of 1887 was merely a substitution for these pre-existing rights.

(4) Mr. Srinivasa Rau's contention now is that either the assessment of 4 As an acre under the deed of 1887 should be confirmed, or if the lands are taken away from him or fully assessed, he should be given compensation for losing the consideration mentioned in that deed.

(5) The representative (brother & guardian of the holder of the Mathu) who was heard

Serial No.

before me, said that he knew nothing of the transactions which had all been carried on by his deceased father as agent.

"I think that the best course for Government is to withdraw the order of 1906 (2) under which Mr. Srinivasa Rau has been called upon to give up the lands or pay full assessment. The question whether the partial alienation in favour of the Pltff is invalid either absolutely or against the present possessor of the deceased, need not be decided by us. In fact, if my view that the inam rules of 1877 are not properly applicable to this

vide Rev. manual (1).

NOTE—Contn. sheet.

General and Revenue Secretariat. | Misc File No. 282 of 1912.

Serial No.

case is accepted, the matter does not fall within the Cognisance of Government.

67 I would therefore propose that the order (No. 5327-5 d. 17.5.1906) be cancelled and withdrawn, and Government decline to interfere with the matter in dispute.

H

68 (Perhaps the question may be considered in Council).

Dwoan.

70

13

71 May be circulated & brought up at a meeting.

22/2/16 H

72

Council Secy.

Put 28/2/16

Sec 23/2

Office 66

Please mark all the docs referred by me in this note.

H 17/7/15

Sec 31.7.15

556 2-8-15

NOTE—Contn sheet.

Put 21/7/15

(For disposal at a meeting)

No. C.204

26 2 . 1916

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Clause - Outside the Schedule.

Cancellation of the Government Order dated the 17th May 1906, regarding the alienation of certain Inam lands belonging to the Bisagni Matt in the Chikmagalur Taluk.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

26th February 1916

Secretary to Government.

Extraordinary Member of Council. Seen by the Extraordinary Member

First Member of Council. Seen by the First Member of Council.

Second Member of Council. 43/16

WD 2012—GPB—1 000—9 2 16

G. R. S. 12]

General and Revenue Secretariat. | File No. 282 of 1912

Serial No.

78) Sub° as decided in Council

Second member & extraordinary member

Dhunjibhoy 8/3

79) I concur with the first member

10/3

80) I also agree.

22.3.16

Dewan)

Dhunjibhoy 23/3

5023
23-3-16

81) The case may now be submitted to His Highness. Please send up with a draft submission note.

2-5-16 KB

2/5/16

82) [illegible]

83) Put up clean draft of 2-5-16. Sub^n note

Sec 7

Clean draft of submission note is submitted.

N(94)
10.5.16

Submitted.

11/5 84) Draft order and Draft Sub^n note are submitted for approval

2nd member)

11/5/16

531.
12-5-16.

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

Misc File No. 282 of 1912

Serial No.

Appd – [illegible]
[illegible] 13.5.16

MT

D Thomas 13/5/16

[illegible] 13/5/16

6122
15-5-16

NOTE—Contn. sheet.

GPB—25 000—30 4-15.

Record of Cases submitted for the Orders of His Highness the Maharaja

No. 5774
15. 5. 16

Subject.

Review petition of Mr. C. Srinivasa Rao in the matter of the alienation of certain inam lands belonging to the Bisagni Matha in the Chikmagalur Taluk.

Order.

KRW
25/5/16

Sundaram Rao
28.5.16
Rao

29/5/16

Submitted to His Highness.

The accompanying papers relate to a review petition filed by Mr. C. Srinivasa Rao of Chikmagalur in the matter of the alienation of certain inam lands belonging to the Bisagnia Matha in the Chikmagalur Taluk.

2. During the inam enquiry of 1880, the claim of the Bisagnia Matha to hold as inam the lands in Kolagavi village, was rejected; but the Government were inclined to view the case liberally and in their order No.710-11-7 dated 28th April 1884, these lands were confirmed as inam to the Matha, subject to the establishment of proper guarantees for the protection of the rights of inferior holders.

3. Under a mortgage deed executed in 1866, the head of the Matha had borrowed Rs.30,000/- from one Yele Mallappa Setty and Mr. Srinivasa Rao came to be the assignee of the rights under the mortgage, and in 1887, an arrangement was arrived at between him and the Swami under which about 100 acres of the Matha lands were permanently leased out to the former on condition of his paying the Government dues on the lands and a sum of Rs.25/- to the Matha, these favourable terms being in consideration of his foregoing his debt against the Matha. This arrangement was adhered to until 1904, when Puttasamiah, Agent of the Matha petitioned the Government for the cancellation of the alienation of the inam lands in question, and in their Proceedings No.5327-S/Muz.F.155-92 dated 17th May 1906, Government considered that the alienation was unauthorised and directed that it should be dealt with under the alienation rules of 1877.

4. Mr. Srinivasa Rao now seeks a revision of the foregoing order. The subject was again fully enquired into, and the late First Member Mr. H.V. Nanjundayya considered that the inam rules of 1877 were not properly applicable to the case in point and that the subject matter did not really fall within the cognizance of Government. He was of opinion that the order of 1906 under which Mr. Srinivasa Rao has been called upon to give up the lands or pay full assessment should be cancelled and withdrawn.

5. The draft of a Government Order in accordance with the view of Mr. Nanjundayya is on the file. Both the Extraordinary Member and the then Second Member (Mr. M. Kantaraj Urs) concur in the opinion of Mr. Nanjundayya and I also agree. The draft order may be approved.

M. Virabhadraiah

19th May 1916.

G. R. S. 12]

General and Revenue Secretariat.

File No. 282 of 1917.

Serial No.	
11	No: 2825 dt 9.6.16, to D.C. Kadur, forwarding copy of G.O. cancelling ~~cancel~~ the G.O No: 5327-8 dated 17th May'06 in the case, as the Inam rules of 1877 are not properly applicable to the case, and so withdraw the above G.O, under which Mr C. Srinivasa was called upon to give up the lands on full assessment

NOTE—Contn. sheet.

GPB—25 000—30 4 15

1912-13.

From

The Deputy Commissioner
Kadur District

DIARY No. 824

To 19/2 19/3

SECTION The Secretary, to Government

FILE No. of Mysore. General and

SERIAL No. Revenue Departments.
Bangalore.

Dated 16. 2.12

Despatched 14 2/12

Received

General No. 3 6 1

No.

Enclosure No.

Re The claim of Mr C. Sreenivasarao, against the Bisagni Mutt.

Office of the Deputy Commissioner,

Kadur District.

Dated Chikmagalur, 16th November12.

From,

A.Subramanya Iyer, Esquire.B.A.

Deputy Commissioner,

Kadur District.

To,

K.R.Sreenivasa Iyengar, Esquire.M.A.,

Secretary to the Government of Mysore.

General and Revenue Departments.

Bangalore.

Sir,

With reference to your letter No. 677 Dated 5th August 1907, enquiring if Mr. Sreenivasa Rao's claim against the Bisagni Mutt formed the subject of enquiry by the Deputy Commissioner under Government Order No. 710-11/7 Dated28thApril 1884, and calling for the records pertaining thereto and also of the memorandum and other papers returned with Government Proceedings No 1153-4 Dated 30th April 1894, I have the honor to state that the records relating to the Deputy Commissioner's enquiry about the Inam lands of the Bisagni Mutt have been forwarded to the Inam Intendent of Revenue Survey and Settlements in Mysore with office letter No. 298 Dated 18th May 1889, and to request rds may be obtained from him.

P.T.O.

The Memorandum and other papers returned with Government Order No. 1153-4 Dated 30th April 1894 are in the vernacular file enclosed herein.

The appeal petition of Puttasamiaya is herewith returned.

A memo about this case is also put up with the records.

I have the honor to be,

sir,

your most obedient servant.

Deputy Commissioner

Kadur District.

G.R.S. 26]

File No. 282-12

Serial No. 2

Diary No. of letter replied to

No. 2367.

General and Revenue Secretariat

( )

, the 19 .

Date of issue 10-6-1913

Signed by- Aravamudengar

To

The Supt. of Rev Survey and Inam Settlements in Mysore,

Sir,

I am directed to request that you will be so good as to forward for ~~early~~ reference the records relating to the Kadur Dy. Commrs. enquiry in the matter of ~~about~~ the Inam lands ~~of~~ endowed to the Bisagnia Math on the Baba-budan Hill, Chickmagalur Tq, said Inam &c. transmitted to you with Dy. Commrs. letter No. 298 Dy

over.

SUBJECT.

1889

I have etc.

Sen
6.6.12

for offg. Secretary

RG
29.11.12

Draft.
AH 1329
29.11.12

List of enclosures,

Copied by

Examined by

GPB—10,000—28 2 11.

DIARY No. 223

No. 12
Enc: 3

19/3 19 14
SECTION Muz
FILE No. 28212
SERIAL No. 3

Office of the Superintendent,
Mysore Revenue Survey.
Dated Bangalore 26 July 1913.

From

Rajakaryaprasakta, Rao Bahadur D. Shama Rao, Esquire,
Superintendent, Mysore Revenue Survey and Settlement.

To

K.R. Srinivasa Iyengar, Esquire, M.A.,
Secretary to the Government of H.H. the Maharaja of Mysore,
General and Revenue Departments.

Sir,

With reference to your letter No. 2367/ Muz. F. 282-12-2 dated 10th June 1913 calling for certain records relating to the Deputy Commissioner's enquiry in the matter of Inam lands endowed to the Bisagni Matt on the Bababudan Hill, Chikmagalur Taluk, I have the honor to forward herewith as desired copy of letter No.298 dated 18th May 1889 from the Deputy Commissioner Kadur District, together with copies of the marginally noted enclosures and to state that the Statement referred to in the Deputy Commissioner's letter was submitted to Government with this Office letter No. 190 dated 5th July 1889.

1. Memo of questions connected with the settlement of the Bababudan Darga and Bisagni Matt Coffee -- Inam lands.
2. Memo dated 31st December 1888.

I have the honor to be,
Sir,
Your most obedient servant,

D Shama Rao

SUPERINTENDENT,
Mysore Revenue Survey.

R.S.R.

No. 298
3

Deputy Commissioner's Office
Kadur District,
Chikmagalur, 18th May 1889.

From

The Deputy Commissioner,
Kadur District.

To

The Superintendent of Revenue Survey
and Inam Settlement in Mysore.

Sir,

I have the honor to forward, as required in para 8 of the Proceedings of the Dewan in Mysore, No. 710-11/ 7 dated the 28th April 1884, the accompanying detailed statements showing the extent and assessment fixed on the Dattatripit Darga and ----- Bisagni Matt, Inam Coffee lands in the Chikmagalur Taluk, together with a copy of Colonel Campbell's Memorandum disposing after careful enquiry, of the claims set up by the Dattatripit Darga for the Mahal and Mensingundi lands.

With reference to para 2 of your letter No. 69 dated the 2nd May 1888, I beg to state that " Tikke" No. II of the Dattatripit village map should, in my opinion, to avoid all future disputes, be made into a separate Government village and called the ---- village of'Mahal'. I request your sanction to this arrangement.

I beg to enclose for your information and kind reply a --- memorandum in connection with certain points of the Settlement

of

of the Inam lands as to which I entertain a doubt.

I have etc.,

Sd/ T. Raghavendra Rao

For Deputy Commissioner,

Kadur District.

" Copy "

SUPERINTENDENT.

R.S.R.

Memo of questions connected with the settlement of the Bababudan Durga and Bisagni Matt Coffee Inam lands.

I Besides the numbers classed as fit for coffee there are others classed as "Ain Kharab". Are these Kharab numbers to be disposed of as Inam to the institutions concerned?

II. If so, is any quit-rent to be levied on account of such kharab lands?

III. How is the quit-rent of 4 annas in the rupee to be collected? Is it on the total full assessment fixed, or on the actual collections? Para 5 of the Proceedings of the Dewan No. 710-11// 7 dated 28th April 1884 requires the payment of annual quit-rent of ¼ of the Survey valuation. In most how are the waste numbers bearing assessment and the numbers for which Alwai has been granted to be dealt with in regard to quit-rent?

IV. Is local cess to be levied on the aggregate assessment or on the adtual collections?

V. The Khan Bahadur on behalf of the Darga represents that the Survey Nos. noted in the margin which are now assessed, should be included in the village site and no assessment fixed. Can this be done in as much as the numbers have been classed

1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, and part of 24.

classed under coffee. The total area of the numbers comes to 10-1 acres only. His objedt in asking this to be done is probably to retain a hold over the Holeyars connected with the - Darga by whom these hittalus are chiefly held. If they are - assessed the Holeyars might consider themselves independent - of the Darga and refuse service.

VI. The Khan Bahadur also represents that the following numbers being unfit for coffee, no assessment be fixed on them. 190, 200, 187, 179, 180, 145, 174, 175 144, 148, 181, 123, 188, 132, 152, 183. --- In all 16 numbers with a total area of 328-24 acres.

These have been classed as coffee- but not occupied. -- In a Government village, they could be treated as ordinary - unassessed waste until applied for. Should they be similarly dealt with here. The Khan Bahadur's object probably is that this assessment should not be considered in fixing the quit-rent.

These are the points in doubt and the favor of a reply on each of them is requested.

Chikmagalur, 18th May 1889.

Sd/ T. Raghavendra Rao.
For Deputy Commissioner,
Kadur District.

Copy "

D. Ramachandra Rao
SUPERINTENDENT.

R.S.R.

Memo.

The Dattratripit Darga claims generally the whole of the new Survey village called Dattatripit Part II with the exception of Survey No. 296 and presumably the land No. 298 occupied by Mr. A.P. Brito's Bungalow and other buildings &c. which goes by the name of the Menasinagundi Estate.

2. These lands the Darga admits were legally acquired by Mr. Britto by a decree of the Civil Courts from one Moorshid --- Peeran in original Suit No. 1 of 1879.

3. But the Darga contends that under cover of this decree Mr. Brito has obtained illegal possession of Survey Nos. 292, 293, 294, & 295 which numbers it claims as Darga Inam lands.

4. The Darga also claims as against the Bisagni Matt, the village of Mahal with the adjoining Survey Numbers.

5. Mr. Brito asserts that Nos. 292 to 295 were legally --- acquired by him in pursuance of the Decree in suit No. 1 of 1879 followed by another Decree in his favor in suit No. 134 of 1880.

6. The Matt while asserting a right of former days and all the lands in question that is the Dattatripit Part II confines its present claim to the village of Mahal and its adjoining lands.

7. The parties are therefore arranged as follows:-

The Darga Vs Brito claiming to hold under Government for Survey Nos. 292 to 295.

The Darga Vs Matt for Mahal and its lands.

8. The Darga takes up the position that the Survey Maps --- have settled the question of the proper boundaries of the -- respective Darga and Matt Inams and that Government in Proceedings No. 710 dated 28th April 1884, adopt these boundaries when confirming the said Inams.

9. The Darga accordingly contends that all the lands included in the new village map of Dattatripit Part II with the exceptions noted in the first para have been awarded or confirmed to that Institution and that the Matt has therefore no right to Mahal and its lands which fall within the limits of the - said map.

10. The Matt on the other hand states that it has all along protested against the survey arrangement of maps, fearing -- what has ~~to~~ come to pass viz, that the Darga would base ---- thereon or would otherwise claim to the village of Mahal.

11. In reply to a reference made on the subject, the ------ Superintendent of Revenue Survey stated that although the -- new village was formed under the impression that it might -- facilitate the final settlement of the Darga Coffee Inam, -- its formation does not in the most remote degree affect the present claims of either Institution, and that the maps can be altered to suit any settlement of the dispute which may - be come to. The contents of this letter were communicated - to the parties without delay.

12. The dispute between the Darga and Mr. Brito affects the whole question in a very important manner.

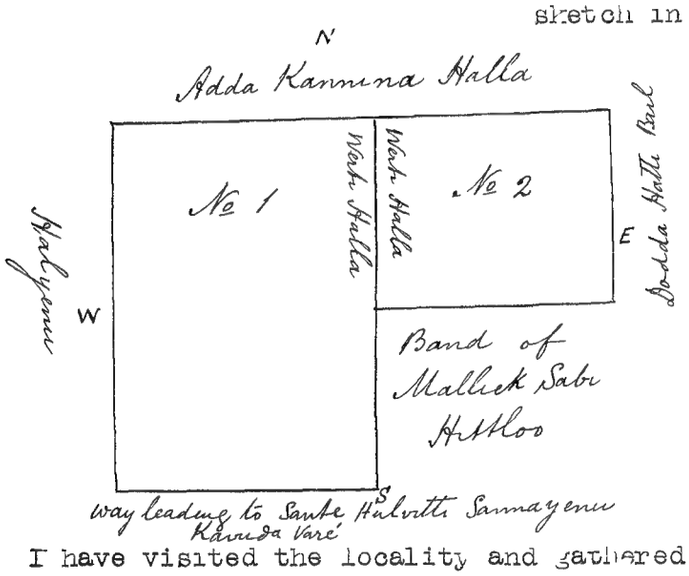
13. The Darga admits that a portion of the lands in the new village map of Dattatripit Part II is not Inam, viz those ------ acquired by Mr. Brito.

14. This admission weakens the general claim to Inam rights in the new village put forth by the Darga and makes it ----- incumbent on that institution to prove that the lands in the actual enjoyment of Mr. Brito are Inam and were not included in the Decrees above referred to.

15. The boundaries given in the schedules attached to the - Decree No. 1 of 1879 show that the two blocks of land therein awarded to Mr. A.P. Brito have a northern boundary common to

both

both, and that their Eastern and Western boundaries are the same. They therefore must be side by side. But the Southern boundaries differ and therefore one block must extend further to the South than the other. This is illustrated by the ~~sk~~ sketch in the margin.



16. I have visited the locality and gathered information -- about the local names. On this latter point the statements of interested parties differ so much that corroborative evidence must be sought for from other sources.

17. Both parties claim as the general Southern boundary of both blocks and pathway leading to Sante Hulavatti a village ~~to~~ the west.

18. Mr. B.A. Brito puts this pathway so far to the South as to include Survey Nos. 292 to 295, also 296.

19. The Darga places its pathway further to the North so as to exclude Nos. 292 to 295 and to include No. 296 only as belonging to Mr. Brito.

20. There is as I have seen a pathway at both places leading to Samte Hulvatti and the boundary thus described is therefore by itself of no assistance to either party.

21. The po~~r~~sition of Mallick Sabi's Hittaloo is said to be in the neighbourhood of the Darga or Northern pathway, but the identification is doubtful. Admitting however that it is -- ascertainable it would fix the Southern boundary of block No. 2

only

only. It may be further remarked that if Mallick Sabi's --- Hittloo was really so close to the Darga pathway as it is -- now said to be, it does not appear why the pathway was not -- given as the Southern boundary of block No. 2 as well as of block No. 1. I am therefore inclined to place very lit le - reliance on the supposed identification of any given boundary except when it is a well marked natural feature such as a " Hulla " or water way, a " yennu " or ridge of hill, or a - " Byle " or open plain.

22. The points in favor of Mr. Britto's claim are that he - has excercised rights of ownership over the lands in dispute since the passing of Decree No. 1 of 1879, and that the ---- Durga authorities did not contest his proceedings atleast by any open action until the Phoot Pahani for the present settlement began.

23. In Suit No. 1 of 1879 A.P. Brito Vs Murshed Piran, the - block No. 1 is described in the Schedule attached to the --- Decree as " Attihutti Kooloo alias Mensingundi ".

In suit No. 134 of 1880 Ajjay Gouda alias Nirvanappa Vs A.P. Brito, the plaintiff sought to establish a permanent -- Shikmi right to a portion of the land above described.

The opening words of the Judgement are as follows:-

" The defendant is the present proprietor of Mensingundi Kan otherwise called Attihutti Kulu, under Decree No. 1.

Further on the plaintiff alleges that he enjoyed a ~~park~~ portion of the Kan in question called Hasay Holay as a ----- Shikamidar planter "

In the end the Plaintiff's claim was dismissed with costs.

24. The same plaintiff now states that the land viz, Hasayhollay for the permanent Shikmi right to which he unsucessfully sued Mr. A.P. Brito is situated in part of the land now in - dispute - that Survey No. 293 is within the Mensingundi Kan, and that the pathway claimed by Mr. Brito is the proper

Southern

Southern Boundary of that Kan.

25. It is stated in a claim for Shikmi rights put forward by one Thimma Shetti, that the land he cultivates as Shikmidar is in Survey No. 295 and he describes in his petition dated 21st April 1888, the boundary on the east to the Sampige --- Katte near Mattada Aya's Tomb on the road from Attigundi to Mahal at the place where the Kalagava and the Battatripit--- Part No. II boundaries meet.

26. In regard to this land Thimma Shetti makes the important statement that it originally belonged to Maloodinalli Shah - Khadri, and then to Moorshid Peera who used to take the one eight share, but he adds that he is not aware that the land passed into the possession of Mr. Brito by a Decree of the - Civil Courts.

27. Thimma Shetti states that he put in his petition at the desire of the Darga and he must therefore be taken as a ---- friendly witness to that Institution, but his admission that the lands which originally belonged by independant right to Moorshid Peera are to be found in land claimed as Inam by the Darga, is the strongest possible evidence against that claim while it is entirely in favor of that put forward by Mr. --- Brito.

28. There are other pieces of evidence which, although by - no means conclusive each by itself, help towards the identification of the Southern boundary of block No. 1 as claimed by Mr. -- Brito. For instance part of the description of that boundary is " Sun Yenu " (or small ridge) and Sun Yenu is also the name of a Coffe Jungle situated in Survey No. 172 which adjoins Survey No. 293 on the South.

29. On a consideration of the evidence which has been brought together with some trouble and care I am of opinion that -- Mr. B.A. Brito is in legal possession of the lands claimed

by

by him; and that as they were derived from the original owner Moioodin Alli Sha Khadri who held them on independant pattas as admitted by the Darga, these lands at no time formed part of any inam attached to that institution.

30. If this be so it is of importance as showing that the - Darga has no title to the greater portion of the land comprised in the new village map, thereby weakening its claim to - the remaining portion viz, Mahal, inasmuch as that claim is based on the general claim to Inam rights over the whole of the new village.

31. Indeed the general claim to the lands in the new village and elsewhere as founded upon ancient Nirupoos and Sannads of the time of Tippoo Sultan, has been declared to be worthless. But in the case of both Institutions, Viz, the Darga and the Matt, Government has decided to confirm as Inam the lands -- which, although probably encroachments, have for a lengthened period been in the enjoyment of these Institutions.

32. The Darga has entirely failed to produce any evidence of actual enjoyment of the lands which are attached to Mahals & and notwithstanding the emphatic disclaimer on the part of the Revenue Survey. Department of the value of the Survey -- Map Dattatripit No. II as evidence of right, the Darga ~~xxxxx~~ persists in asserting that Government in its order of 28th - April 1884 has accepted that map as conclusive evidence and that the question therefore has once for all been closed, -- the Dewan himself having it is alleged passed final orders - that Mahal and Mensinagundi belong to the Dattatripit Inam.

33. I mention the above prominently in explanation of the - circumstance, that when the & parties were before me on the 30th July 1888, Mr. Mahomed - Ali on behalf of the Darga -- could produce no evidence to prove enjoyment of the Mahal -- lands and declined to cross-examine or comment upon the ----

See unwritten statements of Pleader Mr. Mahamed Ali on behalf of Syed Ghouse Sheik Khadri dated 31-7-88.

statements

statements of the representative of the Matt. Next day he - put in the written statement referred to above.

34. The Matt has been remonstratively since 1876 against -- the Survey Map arrangement - of villages, and has produced from time to time a great -- deal of documentary and other evidence of more or less value dating from the year 1840 to show that it has been exercising Inam rights over the Mahal Coffee lands - vide certified copy of agreement dated 20th - April 1840 executed by the Ayagals and servants of the Matt.

Vide petition to Major Cowie and his endorsement dated - 24th March /76 No. 48.

35. There are also 3 certified copies of measurement lists dated 4th March 1866 which were made in consequence of a --- Darkast No. 181 of 1860 by the then Vivatdar of the Matt for permission to hold coffee lands in accordance with orders -- issued in 1860-61 that all owners of Coffee lands without -- distinction, should obtain pattas.

36. In the Measurement lists it is stated that the " taks " were portions of the " Kan " of the Mahal village belonging to the Matt Inam.

37. The Matt Authorities have also produced there books --- showing issue of chits to the Sayer Kutte 1872 to 1881. --- Also six books showing the submission of Mortuary returns -- from 1875 to 1880.

38. In the petition to Major Cowie of 1876 there is a ~~ppp~~ description of the boundaries of the Matt Inam. The ------- original document dated 3rd November 1860 is said to be in - the Inam Commissioner's Office. The Matt authorities have - not applied for the original, and I have not considered it - necessary to obtain it as I am of opinion that sufficient -- evidence in favor of the Matt has been adduced, and that the Durga has no jurisdiction or rights of any kinds over Mahal or its coffee lands adjoining.

31st December 1888. Sd/ J.A. Campbell
Offg. Deputy Commissioner

Copy

Sd/ T. Raghavendra Rao

For Deputy Commissioner,

Kadu District.

" Copy "

S U P E R I N T E N D E N T.

G.R S. 26]

File No. 282-12

Serial No. 11

Diary No. of letter replied to

No.

General and Revenue Secretariat

( )

, *the* 19 .

Date of issue 19 9. 1913.

Signed by Mr. C Venkatarao

To

The Supt, Mysore Revenue Survey and Settlement

Sir,

Adverting to your letter no 12 Dy 26th July 1913 forwarding copies of Kadur Dy Commrs letter Dy 18th May 1889 and Deeds relating to the Inam lands endowed to the Bisgnia Math on the Bahabudan Hill, Chickmagalur Tq, I am directed to request that the records relating to the Kadur Dy

over

SUBJECT.

Commrs. enquiry in the matter of the said lands may also be forwarded together with inform as to whether the claim of Coffee-planter W. Srinivasa Rao, permanent lessee of the Matto lands, was investigated as directed in the last para of G.O. no 710-11-7 dt 28th April 1884, and if so, how it was disposed of:

I have etc

Leg 15/9/13

for Secretary

BB 13/9/13

BB (Crs. order)

List of enclosures,

Copied by

Examined by

GPB—10,000—28 2 11.

Office of the

Superintendent Revenue Survey in Mysore.

Dated Bangalore 31st October 1913.

853

13 14
Muz
28.1.13

From,

Rajakarya Prasakta,

Rao Bahadur, D. Shama Rao,

Superintendent Revenue Survey in Mysore.

To,

K. R. Srinivasa Iyengar, Esquire, M. A.,

Secretary to the Government of His Highness

the Maharaja of Mysore,

General and Revenue Departments.

Sir,

With reference to your letter No.939-Muz.282-12-4 dated 19th September 1913 re the Inam lands endowed to the Bisagni Matt I have the honor to state that in your letter of the 10th June the records relating to the Deputy Commissioner's enquiry in the matter of the Inam lands are stated to have been sent to this office with the Deputy Commissioner's letter No.298 dated 18th May 1889. But on looking to the papers it was found that the enclosures to the said letter of the Deputy Commissioner did not contain the records of enquiry and as such they were not forthcoming in this office. A copy of the letter and its enclosures were sent to Government with my letter No.12 dated 26-7-13 except the statement of lands which had already been forwarded to Government with this office letter No.190 dated 5-7-1889.

Regarding Mr.Srinivasa Rao's claim I may state that the last para of Government Order No.710-1-, dated 28th April 1884 required the Deputy Commissioner to adjust all petty disputes between the superior and inferior holders and as such this Department is not in possession of any information on the point referred to above.

I have the honor to be,

Sir,

Your most obedient servant,

D. Shama Rao

Superintendent Revenue Survey

in Mysore.

Sur. 31]

MYSORE REVENUE SURVEY

190

From

The Superintendent,
Mysore Revenue Survey

To The Secretary to the Govt of
the Maharaja of Mysore, Ly
and Revenue Depts

Dated 31st October 1913

Despatched

Received

General No. 51
No. -

Enclosure No.

Informing that no information is available from the records of regarding the lands endowed as to the Biragu Matt.

From

Secy. to the Govt of His Highness
the Maharaja of Mysore,
Genl. and Rev. Dept. 6.

To
The Dy. Commissioner,
Kadur Distt.

Dated
Despatched 13 12 1913
Received

General No. 1604
Mun No. 282-12 6
Enclosure No. 2

Sir

Adverting to ~~your~~ your ~~this~~ letter no. 201 dated 16th november 1912 ~~reporting~~ stating that the records relating to the Deputy Commrs. enquiry about the inam lands of the Bisagipa Matt were forwarded with your ~~this~~ letter no 298 dt 18th may 1889, to the Supdt of Rev. Survey

and Inam settlements
in Mysore, ~~has the honor~~ I am directed to
~~to~~ forward herewith the
marginally-noted Com-
munications from the
Supt of Resurvey
and Inam Settlements
in Mysore stating that
the records on the subject
were not received with your office
~~the~~ letter of 1889 upto ~~And~~ Sam
therefore — you will be so good as to cause
to request that ~~an exhaustive~~
a diligent ~~Exhaustive~~ search
~~search~~ ~~may kindly be~~
~~Caused~~ to ~~be~~ be made
in ~~the records of this~~ your
office, and the records
in question so far as they
relate to Mr Srinivasa Roo's
claim against the Bisaqui
Matt, submitted to this
office at a
date. — then ~~detailed~~ — any available information as regards the disposal of the claim may also be sent up
info as to
claim was disposed

Letter no 12 dy 26-7-1913.
" no. 51 dy 31-10-1913.

The vernacular records are returned
re subm.

B. Krishna
for Secretary.

1913 - 14

DIARY No. 1546

1913-1914
SECTION Miscellaneous
FILE No. 282-12
SERIAL No. 1

From The Deputy Commissioner
Kadur District

To The Secretary to the
Govt of Mysore,
Sen + Rev. Depts.

Dated 14-2-1914

Despatched 14-2-1914

Received

General No. 356
No.

Enclosure No.

The Connected File
recd with the orders
of the 1st member
on 21-7-1914.

M

Office of the Deputy Commissioner,

Kadur District,

Dated, Chikmagalur, the 14th February 1914.

From

B.Ramaswamiaya, Esquire, B.A.,B.L.,

Offg: Deputy Commissioner,

Kadur District.

To

K.R.Srinivasa Iyengar, Esquire, M.A.,

Secretary to the Government of Mysore,

General and Revenue Departments.

Sir,

With reference to your letter No. 1604/Muz 282-12 6 dated 13th December 1913 re the Inam lands of the Bisagni Matt I have the honor to state that the Vernacular records said to have been returned to this Office with your letter under reply have not been received here and to request that the same may be kindly ordered to be sent to this office.

I have the honor to be,

Sir,

Your most obedient servant,

for Offg: Deputy Commissioner,

Kadur District.

G.R.S. 26]

File No. 209
Serial No. 8/912

Diary No. of letter replied to 1546

No. 352 Emp, file

General and Revenue Secretariat
( )
, the 19 .

To

The Dy Commr,
Kadur Distt.

Date of issue 8th August 1914

Signed by Hon N Rama Rao

As requested in his letter no 366 Dy 14th February 1914, has the honor to return herewith the entire Vernacular records relating to the Inam lands endowed to the Bisagria Matt on the Bababudan Hill in the Chickmagalur Taluk.

B.O
29.7.14

DSB For Hg Secretary

over.

SUBJECT

List of enclosures,

Copied by

Examined by

GPB—20,000—26-9 10

G. R. S. 26]

317

1566

Diary No. of letter replied to

File No. 282

Serial No. 1912 9-1

No. 353

General and Revenue Secretariat

( )

, the 191 .

Date of issue 8th August 1914

Signed by Mr N. Rama Rao

To

Mr C. Srinivasa Rao,
Coffee-Planter,
Chickmagalur,

~~Sir~~

With ref to his ~~your~~ revision-petition dated 6th August 1906 received through the Dy. Commr, Kadur Dist, ~~I am directed to call for~~ for reference, the original document executed by the authorities of the said ~~Brisaguia~~ Matha ~~authorities~~ in favor of the late Mr Yele Mallappa-chetty

over.

Regarding the inam lands endowed to the Brisaguia Matha Mr Srinivasa Rao coffee planter, Chik-magalur is requested to send up

SUBJECT.

b

understood

which is ~~said~~ to be with ~~him~~

~~in the tope~~ him

By order.

~~I have the~~

56

Sd/-

Sd/- Hy. Secretary

29.7.14

List of enclosures.

Copied by 4/16

Examined by

GPB—25,000—8 8 11

172

G R S 261

16/10

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 191

Date of issue 19 10-1914

Signed by Aravamudan

File 282-12

Serial No. 9

No 785,

To

The Dy Commr,

Kadur Distt

Sir, I am directed to invite ~~Has the honor to draw~~ your attention to the correspondence ending with this office docket No. 352 Dy 8th August 1914, and to request that the submission of the report already called for in this office ~~docket~~ letter No. 1604 dated 13th December 1913 regarding Mr Srinivasa Rao's claim against the Bragnaa Math.

over.

returning the vernacular rends relating to the Inam lands enclosed to the Srisagnia Matha.

Mr C. Srinivasa Rao has since produced a copy of the document required, and I am therefore to request you to do so in lieu of the

SUBJECT

Bababudan

in the chi alur Ta

may be

By order,
16/10/14

For Hy. Secretary
16.10.14

Within the Vernacular records in the case together with any other papers relating to Mr J. Rani's claim & such further ~~other~~ matter as may be deem available in the matter.

A very early reply is requested

List of enclosures,

Copied by

Examined by

GPB—25,000—8 8-11.

712

1914-15
Mudrai
282-12
10

1914

From

The Deputy Commr
Kadur Dc

To

The Secretary to the
Govt. of Mysore.
G & R. Depts

Dated

Despatched 30-10-1914

Received

General No. 232
No.

Enclosure No. 1 memo of V P

Submits Besagni
Matt Recds called for
re Mr. Seemevasu Rao's
Claim

GPB—50,000—26 9 12

Office of the Deputy Commissioner,
Kadur District,
Dated, Chikmagalur, 30th October 1914.

From,

K. Krishna Iyer, Esquire,
Deputy Commissioner
Kadur District.

To,

D. M. Narasinga Rao, Esquire, B.A; B.L.
Offg Secretary to the Government
of Mysore,
General and Revenue Deptt.
Bangalore.

Sir,

Adverting to your No. 352 dated 8th August 1914 and subsequent communication No. 789 Misc 282-12-9 dated 19th ustant, I have the honor to submit with the Vernacular records relating the Inam lands endowed to the Mutt on the Bababudan Hill Chikmagalur Taluk.

Mr. C. Greenivasa Rao's

claim

claim, I have the honor to state that no other papers are available in this office except the enclosed entire Vernacular records and that a Memorandum on the Subject is put up.

I have the honor to be,
Sir,
Your most obedient Servant,

[illegible]
Deputy Commissioner,
Mu Kadur District

the Government of His Highness the

Maharaja of Mysore.

Appeal No. of

Petitioner
~~Appellant.~~
Mr C. Srinivasa Rao
Chickmagalur.

Counter petr
~~Respondent~~
Agent of Bisagnia
Matha

Subject.

Alienation of certain inam lands endowed to Bisagnia matha on the Bababudan Hill in the Chickmagalur Taluk.

Facts of the case.

In July 1880, the claim of the Bisagnia matha to hold as inam the lands in Kolagavi Village was rejected by the Inam Supt; but the Govt were inclined to view the case liberally; and in their order no 710-11 Dt 28th April 1884, they confirmed the ~~Kolagavi~~ lands as inam to the matha on payment as quit-rent one-fourth of the Survey Valuation, subject to the establishment of proper guarantees for the protection of the rights of inferior holders.

Under a registered deed dated 10th June 1866, the head of the matha

GPB—1,000—(S 1)

yelemall s on the mortgage of certain of the lands, and Mr Srinivasa Rao finally became the creditor of the matha through his uncle Varnappa to whom the mortgage had been assigned. In 1887, an arrangement was come to between the petr and the Swami under which about 100 acres of matha land were permanently leased out to ~~him~~ the former on condition of his paying the stipulated quit-rent and cesses ~~on these lands~~ due to Govt and in addition paying a sum of ~~Rs~~ 25/ to the matha, the ~~favorable treatment being~~ apparently it is writing off ~~in~~ consideration for his arrangement of the debt ~~against~~ subsisting the matha ~~being written off~~.

This arrangement was in operation till 1904 when Agent Pattabhiramiah petitioned Govt complaining against the alienation of the inam lands of the matha. In their Pro. no. 5327-8/Misc. J. 155-92 dt 17th May 1906, Govt considered that the alienation ~~of~~ was unauthorized and directed that it should be dealt with under the alienation rules of 1877. Against this order, Mr Srinivasarao petd the Govt for a review and the subject was again fully enquired into. An opportunity was also afforded to the parties to be heard and state their case.

Decision.

Before 1884, the lands were not inam at all; and so the mortgage of Mr Srinivasarao's in title could not be

P.T.O

G.R.S. 27.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

summarily interfered with by Govt. under the Inam Rules. The deed of 1887 though executed after 1884 was in settlement of an anterior claim; and as the previous rights were given up by the donee, it was hardly equitable that the terms should be summarily set aside, as they were by the Govt. order of 1906. ~~[illegible]~~ ~~referred to~~ When the inam was recognized in 1884, Govt. could not ~~and would not~~ have meant to over ride the existing rights of third parties. In fact, it was expressly stated that the rights of inferior holders should be safeguarded. Mr. Srinivasa Rao was at the time one of such inferior holders. The mortgage which had been registered in 1866 had been

transferred to Mr Srinivasa Rao's uncle and was subsisting at the time of the regrant of the inam. The deed of 1887 was merely a substitution for these pre-existing rights.

Mr Srinivasa Rao's contention now is that either the assessment of 4 annas an acre under the deed of 1887 should be confirmed or if the lands are taken away from him or fully assessed, he should be given compensation for losing the consideration mentioned in that deed.

The representative (brother and guardian) of the holder of the Matha, stated at the time of hearing that he knew nothing of the transactions all been carried on father as agent.

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GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

On a further consideration of all the circumstances, Govt ~~think~~ consider that the inam Rules of 1877 are not properly apl to this case such that the matter does not therefore fall within the cognizance of Govt. They are accordingly pleased to cancel and withdraw their order no. 5327-8 dated 17th May 1906 under which Mr Srinivasa Rao has been called upon either to give up the lands or pay full assessment.

Copy to the Dy Commr, Kadur Dist, return the entire Vernacular records received with his letter no. 232 Dt 30-10-1914.

By order
[illegible] 10.5.16
for Secy.

No 2825 Enc 3. files
Inm 282-12-11
Dt 9.6.1916.
(Regd)

[illegible] 13.5.16

Clean
ADT
[illegible] 10.5.1916.